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ZBA Denies Variance for North Main Street Building

MILLBURY - The Zoning Board of Appeals turned down a request for a variance from M.J. Casa Development, Sutton Square, Sutton relating to a partially completed building at 19 North Main Street that has been under a Cease and Desist order since August 28, 1988. The decision came following a public hearing on January 25.

The structure in question sits on a site that housed a building owned by George Manna. The building was destroyed by fire in 1987. That building had commercial space on the first floor and two residential units on the second floor. The plans for the present structure call for commercial space on the first floor and eight residential units on the second and third floors.

Representing the developer, Michael Venincasa, Attorney Peter Keenan gave a brief history of his client's actions leading up to the public hearing.

"At some point in time after the fire, Mr. Venincasa approached Mr. Manna and asked if he wanted to sell the building. An agreement was reached and that agreement was subject to the Town of Millbury Building Inspector's issuance of a building permit for the construction of the building which is at the site today. Mr. Venincasa then went to the building inspector, sought the building inspector's approval of the structure that is at the site today and got that approval. He got that approval in the form of a building permit which was issued on February 19, 1988."

Keenan continued, "In March, my client paid the seller for the land. In March, my client secured a note and a mortgage from the Bank of New England for a half a million dollars. In March my client started to demolish the building, ultimately demolished it, and then started to build what is at the site today. All of that, we submit to the board, was done in good faith on the basis of the building permit issued, I know in good faith, based on the plans that were submitted to the building inspector. On August 31, 1988, the building inspector for some reason issued a Cease and Desist order. The terms of the cease and desist order were that no work could be performed under the terms of the building permit that had been issued and all work had to cease. We then started the process to ultimately come before this board."

Keenan told the board that his client's request for a variance related to six areas. "Those are requirements to the zoning by-law that the existing building does not conform to; those are requirements of the Zoning by-laws that the old building did not conform to," Keenan said.

The six areas Keenan listed were: 1. minimum lot area, 2. minimum lot frontage, 3. minimum front yard requirement, 4. minimum side yard requirement, 5. maximum lot coverage, and 6. density provision, which, due to the size of the lot, cannot possibly be conformed with, according to Keenan.

Discussion developed at the ZBA hearing on whether or not the present structure (bottom photo) exceeds the height of the former building at that site (top photo).The top photo was taken following a fire at the site in 1987.

Keenan stressed that the application before the board related strictly to the dimensional requirements of the Town's Zoning by-laws and had nothing to do with the use of the building.

He further explained that his client would be requesting that the Selectmen allow permanent access from this property by way of a right of way that his client has negotiated with the Millbury Baptist Church to allow access to the Municipal lot in the back. In addition, he said his client would be seeking a formal hearing before the Planning Board for a Special Permit in two areas: parking requirements and multi-family requirements.

According to Keenan, his client's structure is on the exact footprint of the prior building. "There is a new foundation under that building but the foundation is in the exact same spot that the old foundation was," he said.

Keenan said that the plans show commercial space on the first floor and show that the second floor will consist of eight kitchen and living room combinations with the third floor "loft" area containing bedrooms and bathrooms.

Turn to ZBA on Page 16

THE MILLBURY SUTTON CHRONICLE
59 Grafton Street
Millbury, MA 01527
Tel: 865-1645

PUBLISHER Alexander G. Belisle
EDITOR Andree A. Belisle

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THE DEADLINE FOR ALL SUBMISSIONS IS NOON ON SATURDAY OF THE WEEK PRIOR TO PUBLICATION.

We the people..

The Pigeons Have Come Home to Roost

To the Editor:

Last year I ran for the State Senate in the 1st Worcester and Middlesex District (Leicester, Millbury, Sutton, Grafton, Westboro, Northboro, Hopkinton, Upton, Hopedale and Worcester). The issue I was most concerned with was a projected deficit of between $600 million and $1.2 billion in fiscal 1989. My opponent, Senator John Houston, said in effect, don't worry, be happy because certain bond rating organizations such as Standard and Poors said everything was "hunky dory" in Massachusetts. Well, they could say that because all that the governor has to do is raise taxes. And guess what, the pigeons have come home to roost to the tune of $735 million tax hike by the end of fiscal 1990.

The one good thing that has come out of all this is that Mr. Dukakis will never again be our governor or hold any other elected office. Which also means we will have one less liberal politician to deal with.

But now, liberals like Senator Houston have the ball in their court as to how they will vote on the tax hike. I hope they make the right decision because the people I work with are mad as hell with these new taxes.

According to Jack Flood (D-Canton), Chairman of the House Tax Committee, major spending reductions can be made in personnel throughout the state bureaucracy without effecting the delivery of needed services. Already, Barbara Anderson from Citizens for Limited Taxation is working on a ballot referendum for 1990 to fight any tax hikes caused by Mr. Dukakis' failure to deal with the issue last year. Things are heating up in the commonwealth.

I urge the press to stay close to this important issue and question Senator Houston and other legislators as to how they will reduce the budget deficit without having to raise taxes. The people deserve to know.

Jack Roche
Westboro

Welcome to Attend Mass

The first Thursday of every month, we have a Mass said at the Recreation Hall, 2 Pearl Street, from 9:30 to 10:00 a.m. Father Markey from St. Brigid's Parish says the Mass.

If there are people that would like to join us, they are welcome. There may be a few elderly that can walk in and all that come will, I'm sure, enjoy it.
Ann Rano
Millbury

Thank You...

I put on a dinner for the tenants at 2 Pearl Street. The dinner consisted of ham and beans, coffee and dessert. I'm hoping they all enjoyed it.

I couldn't have done this alone. Bea Despard, Margie Landry, Alice Davis, and Doris Cournoyer assisted me with the dinner. They did all the serving and cleaning. Mr. John Sharp made the cole slaw. It went fast and none was left.

I want to thank our maintenance man, Dick Baroni, who does so much to help the elderly. It was a wonderful job. Thank you all for helping me.
Ann Rano
Millbury

Calendar

SATURDAY, FEBRUARY 4

SUTTON - The First Congregational Church, Boston Road, will hold a Roast Beef Supper from 5-7 p.m. Prices are $6 for adults and $3 for pre-teens; children 5 and under are admitted free of charge.

MILLBURY - The public is invited to "Twist the Night Away" at a 50's dance to be held at Assumption Church Hall, Waters Street, from 8 p.m. to midnight. Admission: $5.

MILLBURY - The Charles F. Minney Post, 16 South Main Street, will hold a Ham and Bean Supper at 7:00 p.m. Tickets are $5.95 per person.

MONDAY, FEBRUARY 6

MILLBURY - The Millbury Woman's Club will meet in the vestry of the First Congregational Church on West Main Street. The meeting will begin with a luncheon at noon.

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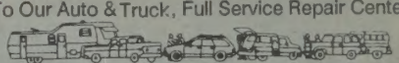

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Millbury Selectmen's Meeting Digest

Board Approves Request for Promotional Exam for Police Chief

By Edward J. Cooney

MILLBURY - The January 24 Selectmen's meeting moved along quite rapidly with adjournment coming sooner than usual at 8:22 p.m. The board was scheduled to meet with the Transfer Station Building committee at 8:30 p.m. in a separate meeting to discuss procedures for payment of bills submitted in conjunction with excavation work completed at the landfill.

Award for Excellence

Administrative Assistant Earl Chase informed the board that the Sewer Commissioners were to be in Boston today to receive two awards from the EPA for excellence in the operation of the Millbury Sewerage and Water Treatment Plant.

Cable T.V.

According to Chase, the Cable T.V. Oversight Committee has passed on a copy of materials which concern a subscription to Cable Media Communication Service in the amount of $250 for 12 issues.

Chairman Jude Cristo suggested that the board review the material and make a decision on subscribing at the next meeting.

Local Aid

Chase reported that there was a possibility of Local Aid to Communities reaching $120,000,000. He said that Millbury would probably be eligible for $210,000 in state aid if the governor's tax package is approved.

Revolving Account

Chase said that $4,000, not the $7,500 requested, was funded for the Revolving Account through a transfer of funds okayed by the Finance Committee. The remaining funds will be sought at Town Meeting.

Cristo asked if it would be necessary to appropriate funds every year. Chase replied it wouldn't be necessary as administrative fees would allow a roll over in funds to keep the account funded.

Selectman Donald Gauthier asked Chase if he had checked with the State Bureau of Accounts concerning the administrative fee; Chase said he had not.

Promotional Exam

At 7:15, Police Chief Ronald Stokowski presented a brief report on his request for a promotional exam within the department. The statewide exam is scheduled for February 4. "I am asking for a promotional exam, not to cancel the statewide exam," he said. Stokowski explained that this would give the board two options. "A promotional exam would be held in 1990 and we could pick from either," he said.

Selectman Wynton Adams asked Stokowski if he could expand on his request.

"I had to fill in at a moment's notice to pick up the pieces," Stokowski explained. "The (competitive) exam is in two weeks. It is difficult to prepare for the exam in five months. I am asking for consideration to prepare for an exam." Stokowski was named Acting Chief in August, following the death of Chief George Brady.

Cristo asked if other board members had any comments.

"He has not had the opportunity to prepare for the competitive exam," Adams said, "We all know that. We asked Ron to accept a tremendous responsibility to fill the position of Chief. We have some obligation to him if he has a desire to take the exam. We should do everything to see he has the opportunity." Adams went on to say that he hoped there would be some true competition for a promotional department as the Chief had been doing a fine job.

Selectman Roland Lachance asked what would happen if an insufficient number of people took the promotional exam? Chase replied that the promotional exam would be cancelled and the town would have to wait another year and open it up to the next lower rank.

Lachance then said that it was his own opinion that the town meeting vote prolonged the board's choice by two years. Adams agreed, saying, "There is no question about that."

Cristo noted that the board has to abide by the rules of the system.

Lachance then said, "We have to wait two years. We could have one (chief) today."

Cristo then noted that there had been some disagreement on the board over how to go. "This would give us an option," he said.

The board unanimously approved a motion to establish a promotional exam within the department.

Turn to SELECTMEN on Page 4

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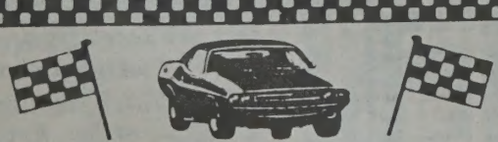

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SELECTMEN

from Page 3

Bicycle Race

Richard Phelan, Lions Club member, was present to request the board's approval of a club-sponsored bicycle race. He emphasized that he needed a decision as soon as possible in order to line up sponsors for the race which is estimated to cost about $10,000.

Stokowski reviewed the plan and the report by the Safety Officer. He said he had no problem with the plan but asked for revisions in some of the explanations that accompanied the plan. Phelan agreed to the revisions.

The board voted 5-0 to approve the race.

Blackstone Valley Development Corporation

At 7:30 p.m., the board met with representatives of the Blackstone Valley Development Corporation. Representing the private, non-profit organization were Jack O'Connor, President, Helen Bartucca, and Millbury resident Todd Miles.

O'Connor said the corporation was seeking the continued support of the town through its annual contribution of $2,000.

Bartucca gave a brief report, highlighting the fact that the corporation had been given a $75,000 state grant which was effected by the continued support of towns like Millbury in the Blackstone Valley region.

She emphasized that the bottom line in bringing about economic development in the valley was jobs. According to Bartucca, there were seven inquiries from companies considering locating in the Blackstone Valley region. According to Bartucca, this could translate into 500 jobs if the corporation is successful in attracting new industry.

Bartucca said that the corporation has been working with small businesses, assisting them with "gap" financing, site search, marketing, seminars, and has been working with banks to pool funds for low interest financing. "Without all the towns' help, there would not be leverage of funds from the state," she said.

Cristo asked about state funding in the future in light of the state's budget.

Bartucca said that the corporation has applied for and received state funding for the past three years. "The state expects us to be self-sufficient after three years. Our goal is to be self sufficient," she said.

Adams asked what efforts were being put forward on behalf of the Town of Millbury.

Bartucca replied that the corporation continues to try to make match sites and to keep Millbury worker's jobs here and in the valley. She also said that the town has use of information developed by a transportation committee that collects data on traffic surveys and the impact of traffic on communities such as Millbury and adjacent towns.

Lachance asked if the corporation was involved in the re-use of mill space. She replied that they had been in the Town of Northbridge but not in Millbury.

Cristo asked the board if they wanted to endorse an article for the town warrant seeking funding of $2,000 for the corporation. Adams moved, Lachance seconded; the vote was unanimous.

Old Business

Under Old Business, the board delayed appointments to the Department of Public Works Study Committee until more thought is given to the composition of the committee.

Also under Old Business, the board was informed that repairs were needed to the spillway at Dorothy Pond. Highway Surveyor Joe Chase indicated that a steel plate could be installed to prevent leakage.

The board suggested that Buck Brothers be asked to allow for drainage of small Dorothy Pond to make the repairs.

Center School

A brief discussion was held on a possible use of the Center School building. Cristo had suggested that monies might be developed by leasing the building to the state. He suggested that the board consider approving a letter to be sent to the state to see if anything could be developed along those lines.

Adams said that he was concerned about the town becoming involved in the real estate business. He emphasized that he would hate to see

Turn to SELECTMEN on Page 12

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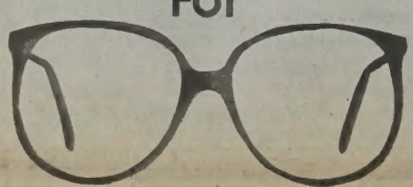

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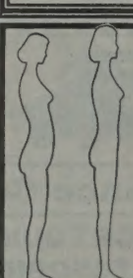

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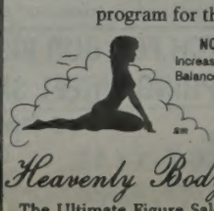

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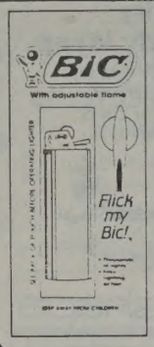

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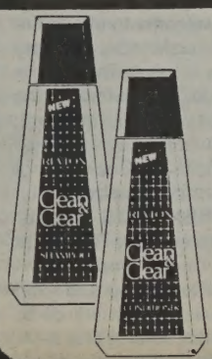

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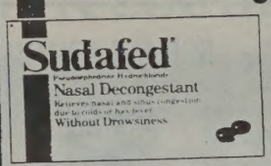

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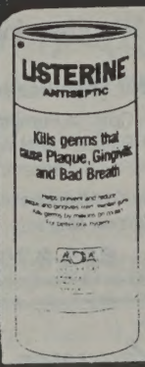

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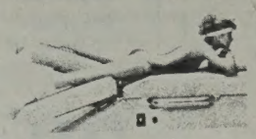
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Aroun' The Town & Golden Agers Update

By Lillian C. Sheehan

Beautiful January - three light sprinklings of snow and that's it!

GROUND HOG DAY: many superstitions surround the second day of February. In England, greenery from Christmas had to be taken down or goblins would appear. In several countries, a sunny day foretold bad weather for the next month. Germans believed if a hibernating animal came out to see the sunshine another forty days of bad weather would follow. Ground Hog Day is a version of this and seems to have been started by the Pennsylvania Dutch.

MILLBURY ARTS COUNCIL: at the most recent meeting of the Council, the resignation of Mrs. Jean Peterson was received with regret and Mrs. Charlotte Townsend was appointed to the office of Chairwoman. Also voted in was Mrs. Mary Mulhane as Recording Secretary or Clerk. It was further voted to have meetings the second Monday of the month (a change from Thursday).

New members are welcome to attend the next meeting which will be held on Monday, February 13, and learn about the Arts Council. There are a number of events that are made possible through the Millbury Arts Council, of which we are not all aware, that tend to lend entertainment or aid such as scholarships, indirectly related to art. One need not be an artist to support this worthy organization.

MILLBURY GOLDEN AGE CLUB: meetings of the Club will continue every Tuesday at 12:30 with President Marcus Dooley presiding.

Jake and Doris Army have proposed a trip which was enthusiastically received. It will be to "Fernwood" in the Poconos this coming May 8-11. Complete details will be forthcoming.

WIT AND WISDOM

~ If you think you're getting too much government these days, just be happy that you're not getting all you are paying for.

~ The human body is connected in strange ways. Have you noticed how quickly a man's head will turn when a woman's hips move?

~ Knowing without doing is like plowing without sowing.

~ If you seek much and need little, you'll always have a lot.

~ He never picked up a check, he had an impediment in his reach.

Named Top Performer at Century 21 King & King

SUTTON - Sharon Davolio, sales associate at Century 21 King & King, has been named Top Performer for 1988. The announcement was made by Manager Michael W. Jones.

Ms. Davolio, the former Sharon Paquette, is a lifelong resident of Millbury and resides at 53 Beach Street with her husband Steven and daughters Jayne and Katie.

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Sutton Planning Board Continues Discussion of Older Subdivisions and Opens Discussions on New Proposals

SUTTON - The Sutton Planning Board held its biweekly public meeting on Monday, January 23 at 7:30 p.m. in the Town Hall. The agenda was relatively light, with three new residential development proposals and a continued review of on-going residential plans for developments off Stone School Road and McClellan Road.

Public Hearing Rescheduled

Planning Board Chairman Craig Ferrell opened the public meeting with an announcement that the continuation of the public hearing for Colonial Acres would be rescheduled for the February 23 Planning Board meeting because of a lack of further information. This announcement came as a disappointment to the 15 or so residents that showed up for the hearing, and particularly an abutting land owner who flew in from New York to attend the hearing.

Concerning Colonial Acres, the Planning Board also asked developer Matteo Danelo for a 60 day extension, which was granted.

Tournament Hills Subdivision

The Planning Board opened a public hearing on the Tournament Hills definitive subdivision plan. This 47 home proposal is located off both sides of Armsby Road and the south side of Boston Road. The developers went through a brief discussion of the proposal, including a description of water and sewer plans, road design and access, and surface drainage plans. Afterwards, the Board opened the hearing to public comments.

Many of the abutters cited existing and long standing water quantity and quality problems in the immediate vicinity, and questioned the impact that on-site water or sewer would have on the surrounding area. The developers responded that in addition to the municipal sewer extension proposed (over 10,00 linear feet) the plans would be revised to include municipal water.

Another environmental concern of neighboring residents was the impact of this development on the site's wetlands and on the shoreline of Clark Reservoir.

Others questioned the impact of increased traffic on Armsby and Boston Roads and the potentially dangerous access of one of the subdivision roads onto Boston Road because of existing traffic, speeding, and poor sight visibility. The developers responded that there was an adequate site distance of 500 feet and that the speed limit was 30 miles an hour.

Craig Ferrell then read comments on the subdivision from the Town Administrator, Fire Chief, and Town Planner. Dick Wharton, Town Engineer, also made comments to the Board. Most of the Town officials' comments included the need for both public sewer and water on site, given the existing water problems and soil constraints. Other concerns included the potential impacts on wetlands, the drainage design, and the steep slopes of lots on the south side of Armsby Road toward the Reservoir. The developers were given copies of public comments and will address them at future meetings.

The hearing was closed at 8:25 p.m.

Wachusett Drive Extension

At 8:30, the Planning Board opened a public hearing on the Wachusett Drive Extension definitive subdivision plan. Representing the land owners, David Lavallee, of Lavallee Brothers Engineering, briefly described the residential proposal. The plan calls for an additional 13 new homes off Wachusett Drive which is currently being developed as part of the Pine Ridge subdivision. These 20,000 square foot lots would be serviced by both public water and sewer and would have a one-way access onto Dodge Hill Road.

After Mr. Lavallee's presentation, the Planning Board opened up the hearing to public comments. The few abutters who attended the hearing voiced concern over the availability of water from the Wilkinsonville Water District, especially after a water ban was called this past summer because of drought conditions. Lavallee told the abutters that he was assured by the Water District that sufficient water quantity was available for the development.

Craig Ferrell then read comments submitted by the Town Administrator, Fire Chief and the Town Planner. A major concern raised by the

Turn to PLANNING on Page 8

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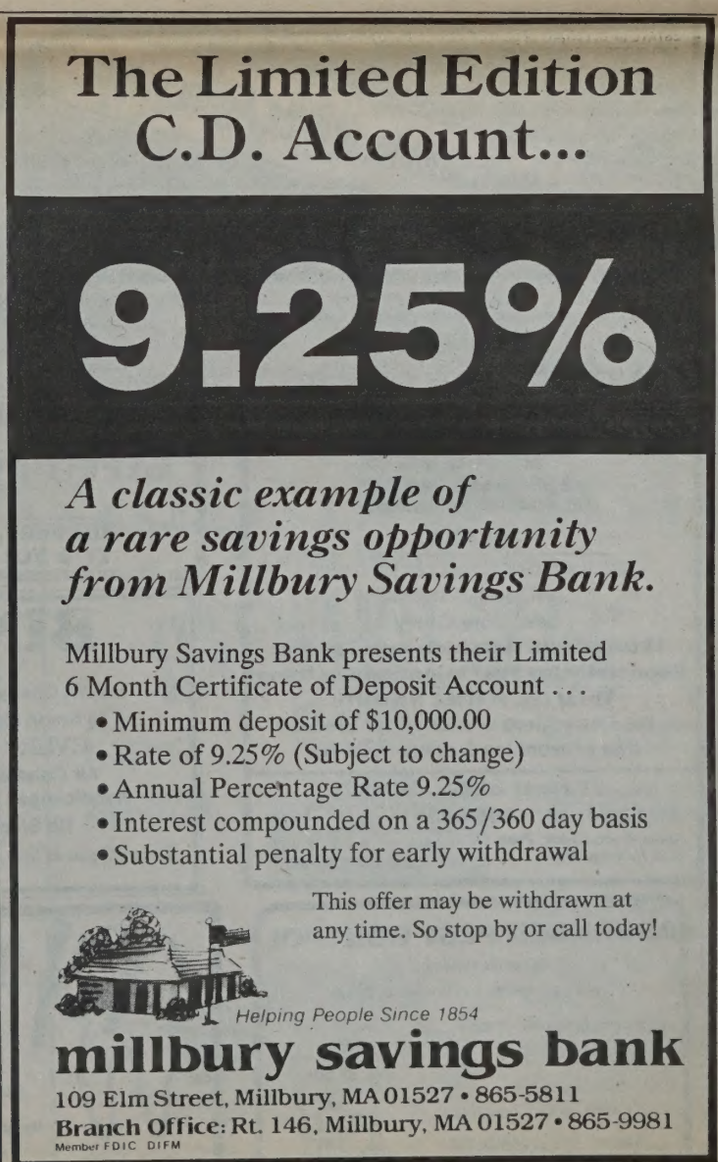
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PLANNING

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Town Planner, Ted Brovitz, was the timing between the preliminary plan, submitted in February of 1988, and the definitive plan submitted in November of 1988. Brovitz cited the state's Subdivision Control Law (Chapter 41) which provides protection of preliminary plans from zoning changes if submitted prior to the Town Meeting vote, and if followed by a definitive plan within 7 months. In the case of Wachusett Drive, the preliminary plan was submitted before zoning changes made at last spring's Town Meeting but the definitive plan was not received within the 7 month period required by the law. The consequences would be that the lots would have to be 40,000 square feet and 175 feet wide rather than 20,000 square feet and 135 feet wide as the zoning changes call for.

Both Brovitz and Lavallee will be reviewing this situation further.

The public hearing was closed at about 8:50 p.m.

Pleasantdale II Subdivision

After going over the minutes from the last meeting, the Planning Board continued discussion on the Pleasantdale II subdivision proposal. The public hearing on this definitive plan was held on January 9th. At that time, the Board had a number of concerns with a proposed access road (Fayette Drive) that would connect Stone School Road to Route 146. A portion of Fayette Drive had only a 33 foot right-of-way with 16 feet of gravel and steep slopes. It is currently used by gravel trucks and would not be sufficient as an emergency access as it was proposed.

David Lavallee, developer of Pleasantdale II, showed the Board a revised plan that would bring the entire length of Fayette Drive up to Town road construction specifications. This was a precursor to site plans soon to be submitted by Lavallee for a new industrial park proposal located on industrially-zoned land between the Pleasantdale subdivision and abutters on Route 146.

According to Lavallee, the industrial park will use Fayette Drive as an access to Route 146 while the Pleasantdale II subdivision will access Stone School Road via Fayette Drive.

Egerton Park Subdivision

At 9:40 p.m., the Board discussed recently submitted preliminary plans for a new residential subdivision off Mendon and Barnett Roads. The land includes about 129 acres and is currently used for a gravel operation.

Representing the Egerton Development Company was Jeff O'Connell, who presented the preliminary plan to the Board. The proposal calls for about 75 single family homes on 40,000 square foot lots. Public water will be provided by the Whitinsville Water Company via Mendon Road.

As an alternative proposal, O'Connell showed the Board a conceptual plan for a light industrial park which he admitted was Egerton's primary interest in the property even though the land is not currently zoned for industrial use.

Town Planner Ted Brovitz pointed out that there had been a number of studies conducted over the past ten years that specifically identified this area of Town as being most suited for industrial use. Brovitz also pointed out the availability of water and the close proximity of sewer (from Douglas) as well as direct access to Route 146 via Whitins Road and the relatively low density in this part of Sutton.

The Planning Board also agreed that this area of Town may be well suited for light industry and will be working with Brovitz over the next few months to analyze the possibility of rezoning for industrial and commercial uses.

The Board closed discussion on the Egerton Park proposal and ended the meeting at 10:50 P.M.

Students to Attend Production of Volpone

SUTTON - On February 9, students from Michael Hood's sophomore English class at Sutton High School will attend a production of *Volpone*, a tale of greed and hypocrisy, at the Trinity Square Repertory Company in Providence, Rhode Island.

The guest director for the production will be Paul Weidner, Artistic Director of the Hartford Stage Company from 1968 to 1980 and winner of the Margo Jones Award for significant contribution to the American theatre.

Local Teachers Awarded Mini-Grants

WORCESTER - Mini-Grants for Worcester Area Teachers, a program sponsored by the Alliance for Education, recently recognized 45 teachers at a ceremony at Holy Cross College. This year marks the third anniversary of the program, bringing the total funds awarded to the Worcester County schools to $37,999.

During the 1988-89 school year, projects will be ongoing as a result of $12,999 of Mini Grant funding. Projects involve a wide range of age groups, from kindergarten through high school, and include science, historical research, mathematics, architecture, newspaper production, art appreciation and other subjects.

Local recipients were as follows: Ann Junnila, Sutton Elementary School, "Let's Explore Art and Social Studies;" and Nancy Tabor, Elmwood Street School, Millbury, "Zooming In on Nature."

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Residency Issue and Conflict of Interest Question Highlight School Committee Meeting

By Edward J. Cooney

MILLBURY - The January 25 School Committee meeting began at 7:30 with a call to order by Chairman Chet Hanratty.

Marking Policy

The first item discussed involved a review of the marking policy. According to Committeeman Ed Wilczynski "It seems that a question arises as to whether the teachers or staff members are ignoring homework as part of the student grade per school committee policy." He went on to say, "If they are not using homework as part of the grade, why not? Is it an oversight or do they flatly refuse? If the policy is too strong, look at it again. Or if one or two object look into that. If one or two flatly refuse, it is insubordination." Wilczynski then suggested that Dr. David Troughton, Curriculum Coordinator, investigate the matter.

Troughton replied that the matter is being looked at with the Curriculum Council. He also said that all teachers send student expectation sheets to parents which indicate the effect on marking the following areas: tests, quizzes, homework, attendance, and class participation.

Troughton said that an attendance policy was approved at the high school which states that if a student is absent more than 10% (18 days) there will be a loss of credit. "A question arises as to whether the marking policy including attendance as a factor was a second criteria above and beyond that," he said.

According to Troughton, the curriculum council will be looking at ways to refine and implement the school committee's policy. A statement of policy will be presented to faculty, refined, and brought to the committee for discussion and approval.

Wilczynski said that the policy was never intended to restrict the teachers. He also noted that the intent of the marking policy approved last year was to give the teachers some flexibility.

Troughton said that it was anticipated that the expectation sheets distributed to parents and students would be clearly defined. "There will be no changes in that," he said.

Wilczynski, referring to the draft statement proposed by Troughton, indicated that he thought the statement would be reducing teacher flexibility to some extent. "We wanted to give them flexibility so that parents would know what counted towards a grade as long as the teachers stated right up front what was expected," he said.

Residency Requirement

Lynn Stover addressed the school committee regarding residency requirements for attending Millbury schools. She said that her son was dismissed from the Elmwood Street School last Friday.

Stover explained that she is temporarily living in Grafton because her home developed structural problems which cannot be attended to until warmer weather arrives. She said she did not want to take her son out of the Millbury schools in the interim.

"We have rights," Stover said. "I have never changed my residency, legal address, nor my telephone number," Stover said. She also said that she owns property and pays taxes in Millbury.

Hanratty said that her child no longer resides in Millbury by her own admission.

Stover replied that she would try to find a place in Millbury. She also asked why she was never given anything in writing about the matter of the dismissal of her child.

She then reported that a call from Dr. Sylvia at her place of employment was heard by her fellow workers and her supervisor over the open speaker phone. She said that Sylvia stated they would fight her in court over the issue. "I am still legally a resident of Millbury," she said.

Hanratty said, "I am not going to debate you."

Stover then asked, "Where is the written policy? My attorney couldn't find it."

When told by Hanratty that there was a law, Chapter 76 of M.G.L., Stover said she understood it was amended last year and said she would take the matter to court.

Hanratty replied, "You must do what you have to for your child."

Stover then asked if minutes of the meeting when the matter was discussed by the school committee were available. Hanratty said they were available if she wanted them. He also said that, if her residence out of town was for a temporary period of time, such as two months, there would be no problem.

Stover again asked why she was told a week before marks were closed and why there was no letter. She also asked what the discussion was at the previous school committee meeting and why she was not notified in writing.

Hanratty said he was not at that meeting and asked Wilczynski, who chaired that meeting, to clarify what occurred.

Turn to SCHOOL on Page 10

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Wilczynski said, "We never made a decision to dismiss your youngster. We were apprised of the situation and the Superintendent was told to look into the matter. The committee never voted to dismiss your youngster. We don't, as a committee, get involved in the day to day workings of the school department."

Stover then said, "I am telling you what I was told. A school committee member brought this up. A note from Mr. Johnson (Kelton Johnson, Principal at Elmwood) was sent home to call him. I was told Matt couldn't come to school. It's not fair. It was only four days notice."

Wilczynski asked if the letter concerned dismissal. Stover replied, "No, the note said to call Mr. Johnson. I asked them to send me a letter, he backed down. I had witnesses. Mr. Johnson knew we were on an open speaker phone. I was told to 'get an attorney; we will fight you.' We have contacted Boston (the Department of Education) and a special education monitor or inspector will be checking into it."

Sylvia then noted that the committee has said it sees no problem as long as her living outside Millbury is a temporary situation.

Stover replied, "It's the whole point of the issue. What did you tell me? 'Once you reside outside of Millbury, I don't care if you have a mailing address in Millbury.'"

Sylvia replied, "I am not going to argue with you. On the phone you were irate and emotional."

Stover started to interrupt Sylvia when Chairman Hanratty called for order and asked Mrs. Stover to let Sylvia finish his statement and he would give her time for rebuttal.

Sylvia went on to say that he told Mrs. Stover the best way to resolve the mater was to come to the committee. "I couldn't talk to you because you were irate. I would think you would be pleased that the problem has been resolved," he said.

Stover said, "No it doesn't (make me pleased). You made the decision all by yourself. You made the decision for the board."

Hanratty closed the matter by telling Stover it was the consensus of the committee that it was not a particular problem for her son to stay in school for a short period of time if she moves back as a resident in Millbury in four months.

Stover thanked the committee for approving that condition.

Conflict of Interest

Hanratty moved on to the next agenda item, calling for a review and discussion of a Massachusetts Association of School Committees' (MASC) legal opinion concerning a possible conflict of interest pertaining to member Bruce Pease's participation in teacher collective bargaining negotiations for a new contract. Pease's wife is an employee within the teacher's bargaining unit. At a previous meeting, Pease raised the issue of whether Committeewoman Jane Pojani might be in conflict in signing the payrolls of coaches since her husband is a basketball coach. Her husband is not a member of the teacher bargaining unit.

Hanratty noted that the State Ethics Commission is the major governing board. Attorney Austin Broadhurst, legal counsel for the MASC, indicated in his letter that, from the information he received from the committee, Pease should not be involved in negotiations with the teacher's bargaining unit.

According to Hanratty, no ruling has been made by the State Ethics Commission. He said that Pease filed information with the ethics commission and is awaiting a ruling.

Hanratty also indicated that a letter the committee requested from Town Counsel Leonard Kopelman said that the state ethics commission, being the governing body, would make the determination. The letter explained that the state ethics commission requested that all town counsels go to the commission for conflict opinions.

Kopelman's letter went on to say, "I received a request dated December 8 in which a school committee member is concerned since his spouse is employed by the school department. He already has a state ethics ruling and wanted to have it reviewed by town counsel. The state ethics commission has the final say. My recommendation is that you rely on them and request to see whether it is still current. Only they can give you final approval, not me. Once they have jurisdiction over it, it would seem best to leave it with them. Also, there is no legal cost to the town this way."

Hanratty suggested a delay in negotiations until a letter of response is received.

Pease maintained that he personally received a ruling two years ago from a woman who, he said, is no longer with the Ethics Commission. He also said that he recently spoke with Mary Schwim at the commission. "With the information I provided on the phone," Pease said, "there seems to be no problem as I could be involved in matters of language that don't affect matters of salary relating to my wife. I was asked to send in that ruling and address it to their chief legal counsel. He has to make the final ruling." Pease said he would refrain from participating in negotiations until the committee learned one way or another.

Committeeman Alan Tuttle said that, according to Attorney Broadhurst's letter, there was a violation relating to Chapter 268A.

Pease replied that "Other things, like language, don't affect salary. He (Broadhurst) ties it to salary."

"It's a cloudy issue," Tuttle said.

Tuttle went on to say that when Sylvia's annual review was conducted, Hanratty decided to step down. (At that time, Hanratty's brother was a teacher at the high school). Tuttle also said that Patricia Cooney, a former school committee member and substitute teacher in the Millbury system, had a ruling from the State Ethics Commission that she could continue to substitute as a teacher at the same time she was a school committee member. He said Mrs. Cooney chose not to work as a substitute to avoid even an appearance of a possible conflict.

"My wife and I talked of the same issue and decided not to have

Turn to SCHOOL on Page 11

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SCHOOL from Page 10

her continue substituting in the Millbury School System for the same reason," Tuttle said. "This should be cleared up as it hurts the whole committee. Based on town counsel's letter, maybe we should change our policy to send questions of this kind directly to the state."

Hanratty then recommended that a subcommittee for negotiations be established and be comprised of him, Tuttle, and Wilczynski, which would also allow negotiations to go on and provide for a quorum of two if one of the three were absent.

Pojani then maintained that coaching was different from teaching. Hanratty in turn said, "Basically it is the same thing. It is a salaried employee. I think it would also apply to you."

Wilczynski suggested that the information included in Broadhurst's letter and Pease's letter of disclosure to the town clerk be sent to the ethics commission for a ruling since they have the last say.

Tuttle suggested that the ethics commission also be told that negotiations are already in place. "That might speed them up a little," he said. "Let's get it over with and spend time on more productive things."

Adult Education

Robert Sullivan, Director of Adult Education, was present to request an increase in tuition fees for courses and an increase in salary for teachers of the adult evening program. Sullivan said that a majority of subscribers of the evening adult courses are older citizens who receive a reduction in tuition, which has caused a deficit. According to Sullivan, the adult education program has always been self-supporting because several courses in the past were more heavily subscribed and subsidized courses with lower enrollments.

Sylvia indicated his support of Sullivan's recommendation. The committee approved on a 5-0 vote.

Hanratty then said he would step down as Chairman and make a motion to add $500 for adult education in the school budget under the line item Community Services to cover any possible deficit in FY 89-90.

Basic Skills Test

Under Informational Items, Sylvia reported briefly on the results of the Basic Skills Tests which, according to Sylvia, will be released to the public at the end of March. He noted that the results showed scores that were up significantly. He indicated nine scores showed a score of 95 or better.

Athletic Budget

A brief discussion was held on the athletic budget submitted at the last meeting by Athletic Director Richard Garabedian. Pojani said she thought Garabedian would be in attendance tonight as she had several questions.

Wilczynski said there had not been any formal decisions on the budget. "We should get feedback from Mr. Garabedian and the coaches and go from there," he said.

Athletic Trainers

Sylvia reported that there were only two athletic trainers employed by schools in the Southern Worcester County League, of which Millbury is a member. He said he could advertise the position if the committee establishes the position and a stipend.

Pojani noted that West Boylston has a trainer that received a stipend of $1600. She said that it costs $2,000 for an ambulance to be on duty.

Wilczynski asked Mrs. Pierce, Business Manager, if she had checked with Town Administrator Earl Chase to see if a better arrangement could be made with Himmer Ambulance Service for covering football games. Mrs. Pierce said that, according to Chase, Himmer indicated that they needed to maintain a positive cash flow and that the present $50 per hour may be increased to $75.

Horace Mann Grants

Troughton reported that he had reviewed mid-year reports of teachers who were given Horace Mann Grants. He noted that the reports indicated that the teachers' projects were going well, were successful, innovative, and were benefiting the students.

Sabbatical

Sylvia asked the committee for their support in informing Richard Luikey that his request for a sabbatical leave would not be approved. According to Sylvia, the projected sabbatical would simulate a project that the School Department is presently negotiating with the Spire Corporation for $15,000 in funding to develop an outdoor science classroom and nature trails on acreage around the town-owned wooded area of the Shaw Middle School. The Spire corporation is a principal in a proposed mall

Turn to SCHOOL on Page 17

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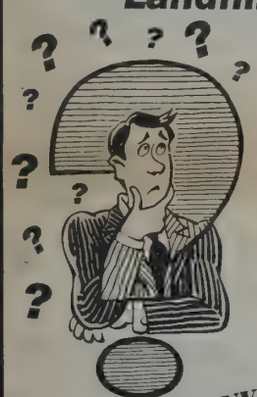

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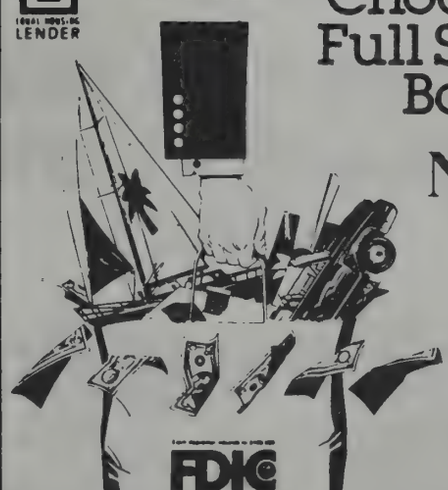

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SELECTMEN

from Page 4

the town pay for maintenance and receive no return, citing the Asa Waters Mansion as an example.

The board unanimously approved sending a letter to the state to inquire about state funding possibilities.

Health Plans

Chase reported that a meeting with the insurance consultant brought about a suggestion to call a meeting of all town employees to discuss the availability of health plans, problems in funding, suggested changes, and what the alternatives would be if things continue on the same course.

The board approved 5-0.

Correspondence

A letter was received from the Council on Aging, recommending the appointment of Stuart Mulhane and Ed Wilczynski to fill two vacancies on the Council. The board approved 5-0.

A letter was also received from the Safety Officer which indicated that it was his opinion that the hedge on a piece of property at the corner of Canal and Howe Avenue would pose no problem to traffic as long as the hedges were maintained as they are currently.

There was no discussion or action taken on the safety officer's letter.

Lillian Sheehan was appointed to the Arts Council on a 5-0 vote, based upon a letter of recommendation from the Arts Council.

Two articles were received for the Town Warrant. One from the Veteran's Agent and another a petitioned article to make Nicole Drive a public way.

Street Opening

The board approved a street opening for a sewerage connection to a duplex on Herricks Lane through an easement to Sullivan Place.

Tag Day

Under New Business, the Selectmen unanimously approved a request from the Muscular Dystrophy Association to hold a Tag Day on March 12.

At 8:22, Adams moved to adjourn the meeting as all regular business had been completed. His motion was approved 5-0.

National "Girls and Women in Sports Day"

MILLBURY - February 2 has been proclaimed as "National Girls and Women in Sports Day" by the Congress of the United States. A celebration to mark this event will be held in Washington, DC on that day. Massachusetts will hold a concurrent celebration at the State House in Boston.

Two Millbury High School senior girls, Beth Krumsiek and Wendy Stead, have been selected to attend the celebration at the State House. Daniel C. Carmody, Principal, and Richard A. Garabedian, Director of Athletics and Physical Education, will be accompanying the girls.

Tentative plans include a presentation by a notable Massachusetts female athlete and the presentation of Certificates of Recognition by the Women's Sports Foundation.

Dog Licenses Now Available

MILLBURY - 1989 dog licenses are now available at the Town Clerk's office. All dogs three months old and over are required to be licensed.

Selected for "Who's Who"

BOSTON - Lisa DeHaan of Sutton was recently chosen to represent Emerson College in "Who's Who Among Students in American Colleges and Universities." The announcement was made by Jacqueline Liebergott, vice president and academic dean at Emerson.

Liebergott called Ms. DeHaan an "asset to the Emerson Community." She also congratulated her for her hard work which led to her being recognized by her peers, the faculty and staff at the institution. "Membership in 'Who's Who' is one of the most significant awards a student can receive while in college," Leibergott said.

Ms. DeHaan is 1985 graduate of Sutton High School and is a Senior at Emerson majoring in Mass Communications. She is the daughter of Ed and Ginny DeHaan of Mendon Road.

Roast Beef Supper

SUTTON - The First Congregational Church, Boston Road, will hold a Roast Beef Supper on Saturday, February 4, from 5-7 p.m. This continuously served family-style supper will also include Mashed Potatoes, Gravy, Carrots, Homemade Corn Chowder, Rice Pudding, and the usual Homemade Bread. Coffee, tea, and milk will also be provided.

Supper prices are $6 for adults and $3 for pre-teens; children 5 and under are admitted free of charge.

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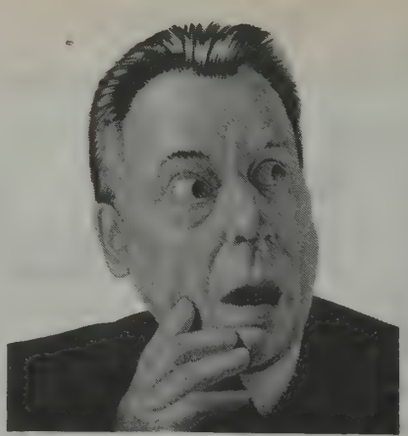

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Cub Scout Pack 243

SUTTON - Sutton Cub Scout Pack 243 held its monthly Pack meeting on January 24. The annual Pinewood Derby model car race was held and the winners were: 1st Place, Alex Hebert; 2nd Place, Justin Newton; 3rd Place, Jacob Owens; Alternate, Allen DeVincent. These boys will advance to the district roll-offs in March.

In addition, the following badges were awarded:

BEAR BADGE
William Wenc
Matthew Carlson
Peter Robbins

SILVER ARROW POINT
Gregory Lapidas
William Wenc (2)
Kevin Scricco (2)
Tony Scricco (2)
Jesse Osterman
Matthew Carlson (5)

WEBELOES BADGE
Frank Piscitelli
Joshua Osterman
Nick Philbrook

HANDYMAN ACTIVITY BADGE
Frank Piscitelli
Joshua Osterman
Nick Philbrook
Chris Gaylord

GOLD ARROW POINT
Joshua Suhl
William Wenc
Matthew Carlson

COMPASS POINT EMBLEM
Nick Philbrook

Musical Performance

SUTTON - The Joyous Sounds, a group of musical entertainers, will appear at the West Sutton Community Hall, 659 Central Turnpike, on February 8 at 8 p.m.

The West Sutton Hillside Club's evening of light entertainment will include refreshments and an auction of small items such as home baked goods, knick-knacks, etc. Proceeds will benefit the Adult Day Care Center.

There will be a free will offering at the door.

Millbury Woman's Club

MILLBURY - The next meeting of the Millbury Woman's Club will be held on Monday, February 6 in the vestry of the First Congregational Church on West Main Street. The meeting will begin with a luncheon at noon, followed by a program entitled, "Food in a Hurry, Without Worry." The guest speaker will be Angie Mahoney from Microwaves N' More in Auburn.

The co-chairwomen of this event are Dorothy Deamley and Hilda Healey. Their committee will include: Charlotte Bedord, Kathleen Bird, Dorothea Molleur, Ruth Marble, Dorothy Morin, and Helen White.

Assumption PTG Meeting

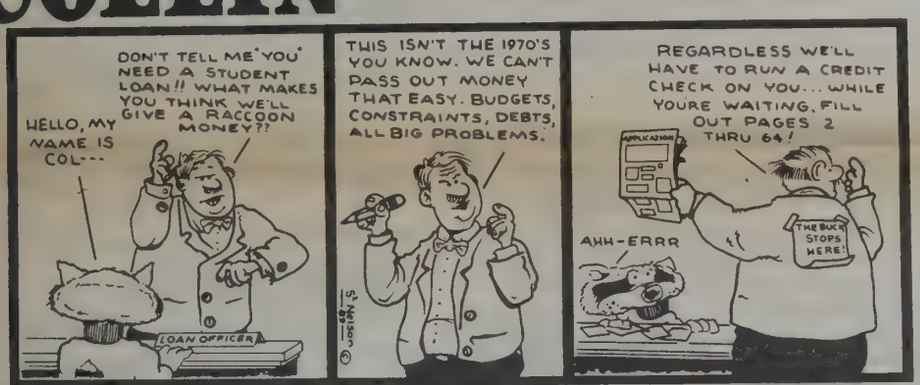
MILLBURY - The monthly meeting of the Assumption School Parent Teacher Guild will be held on February 9. There will be brief consultations with the teachers from 7-8 p.m. Following the business meeting, guest speaker Carl McCarthy, from the Governor's Alliance Against Drugs, will address the assembly.

Anniversary Books

MILLBURY - Books commemorating the celebration of Millbury's 175th birthday are now available at the Tax Collector's office at the Town Hall at a cost of $5.

Commemorative medallions are also available at the same office. The price has been reduced to $15.00.

COLLIN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The deadline for all submissions to the *Millbury-Sutton Chronicle* is 12:00 noon on Saturday of the week prior to publication.

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Burning Permits

MILLBURY - The State's burning season runs from January 15 to May 1, conditions pending.

Applications for permits can be obtained on Saturdays at Fire Headquarters, Elm Street, from 9 a.m. to 1 p.m.

Named to Dean's List

DUDLEY - Sharon E. Frazier and Thomas Devine of Millbury have been named to the dean's list at Nichols College for the fall semester.

Frazier made the list with Dean's High Honors and Devine with Dean's Honors. Both are graduates of Millbury High School.

Frazier, a senior majoring in accounting, is secretary of the Accounting Club and the recipient of the Academic Scholarship at Nichols. She is the daughter of Ronald and Emily Frazier of Carleton Road.

Devine, a senior majoring in finance, has been inducted into the Zeta Alpha Phi and Delta Mu Delta Honor Societies at Nichols. He is also president of the Varsity Club and a student representative on the Nichols Board of Trustees. In addition, he was named to Who's Who Among Students in American Universities and Colleges. He is the son of Robert and Leah Devine of Hawthorne Street.

Slide Presentation on Southern Gardens

MILLBURY - On February 7 at 6:30 p.m., the Millbury Public Library, with the help of Ann Humes, will present the second in its armchair travel series, "Traveling to View Southern Gardens - The Azalea Trail."

Chase away the winter blues with John and Loretta Jensen in their special slide tape presentation on southern gardens and garden plants found from New Orleans, Louisiana to Tennessee.

Millbury Parents' Club

MILLBURY - The monthly meeting of the Millbury Parents' Club, formerly Millbury Mothers' club, will be held on February 14 at the Raymond E. Shaw Middle School Media Center at 7:30 p.m. The guest speaker will be Registered Dietician Debbie Esposito. Refreshments will be served.

The Club reports that their recently sponsored evening of Bingo was a great success.

Cinderella

MILLBURY - On February 4, at 10:30 a.m., the Millbury Public Library will present "Saturday at the Flicks." The first movie presentation in this four part series will be the Disney classic ***Cinderella***. No movie is complete without a special treat, so pizza and root beer will be served during intermission.

Other movies coming up in this series are Disney classics ***Snow White*** on February 11 and ***Fox and the Hound*** on February 18. The final feature film animation will be the unforgettable ***Charlotte's Web***.

In-person registration is necessary for each movie presentation.

Assumption Honor Roll

MILLBURY - Assumption School has announced the following second quarter honor roll:

GRADE 8
FIRST HONORS
Kim Kilgore
Carmin Szynal
SECOND HONORS
Kristin Jalbert
Michele McQuiston
Rebecca Prince

GRADE 7
SECOND HONORS
Jacqueline Croteau
Julianne Keenan
Heather McQuiston

GRADE 6
FIRST HONORS
Elizabeth Hackett
Michelle Murphy
SECOND HONORS
Stephen Cammuso
Rebecca Belsito
Melissa Catacchio
Danielle Heck
Kathleen Hoye
Shannon Jalbert
Jennifer Shields
Christina Venincasa
Elisabeth LaBarre

Women's Bowling League

Pat Gaspar rolled high triple, a 310, with strings of 85-110-115. (Out of the 20 weeks the league has bowled, Pat has rolled 300 or over in 12 of them.) She also rolled the high single with her 115.

Second high honors went to Ann Coons with a 296, strings of 93-91-112. Third high was rolled by Bobbee Bernard, a 285, with strings of 94-100-91.

Rolling "100 and over" were ten bowlers: Pat Gaspar, 115-110; Ann Coons, 112; Charlotte Gabree, 110; Joan DeSantis, 107; Ann Kach, 107; Dot Jacques, 105; Alice Lucier, 104; Irma Healy, 103; Bobbee Bernard, 100; and Becky Rushton, 100.

Team Standings	Won	Lost
Four A's & E	34	6
Barracudas	22	18
Challengers	20	20
Sharks	18	22
Angels	16	24
Piranhas	10	30

High Average
Pat Gaspar - 102.6
Becky Rushton - 98.1
Hope Stockhaus - 97.1

High Triple
Pat Gaspar - 345
Gail Higginbottom - 335
Mary Jo Boire - 325
Charlotte Gabree - 325

High Single
Gail Higginbottom - 135
Charlotte Gabree - 131
Pat Gaspar - 131
Becky Rushton - 129

Top Ten
Pat Gaspar - 102.6
Becky Rushton - 98.1
Hope Stockhaus - 97.1
Ann Coons - 97.0
Gail Higginbottom - 95.6
Charlotte Gabree - 94.4
Joan DeSantis - 94.0
Kathy Marble - 93.9
Ann Kach - 93.5
Mary Jo Boire - 91.2
Ellen Bouvier - 91.2

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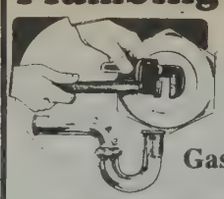
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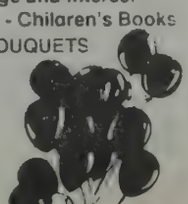
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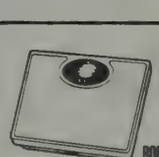
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On The Shelf

By Rosemary Waltos

National trends show that parents are more concerned than ever that children read. In a recent Boston Globe article, Margaret Bush, assistant professor in the graduate school of Library and Information Science at Simmons College, has indicated that "statistics show a tremendous demand for services for infants and toddlers. Parents want local libraries to have up-to-date book collections and feature programs such as story hours, crafts and movies. The exciting thing about this is, if you can get children to use the library early in their lives, they will probably be lifelong users."

This national trend is reflected in the use of the Millbury Public Library. Figures show that parents not only want good reading collections, but also quality viewing and listening materials for children. An indication of this increased demand can be seen in the library's circulation statistics. The number of items checked out to children in 1979 was 607. In less than ten years, with major improvements to the facility and the collection, and the expanded services, this number has swelled. In 1988, 16,750 books, records, cassettes, and video tapes for children were checked out. This accounted for one third of the library's total annual circulation. Successful programs offered throughout the year, 160 in all, had an attendance of 2116. Over 500 new library cards were issued to children during the year.

The children's room at the Millbury Public Library services children through the age of 12. In order to shepherd children through to their adult years, the library provides a collection of materials for children in their young adult years, ages 12 and up. Like the children's collection, the young adult collection consists of student related nonfiction materials focused on assisting students in completing homework assignments. The young adult collection also has a comprehensive collection of classics and popular reading paperbacks.

In 1989, the Millbury Public Library is focusing on improving young adult services. The library is doing so with the help of a $7,000 federal grant, administered by the Massachusetts Board of Library Commissioners, for its Young Adult Independent Reading Project. This project is designed to stimulate children in grades five and up to read for pleasure.

The goals of this project are to: 1. make available to young adults an appealing and up-to-date collection of fiction books, books on audio cassette and language arts software; 2. develop a program of events and activities that will challenge and stimulate young adults to read for pleasure; and 3. educate parents about the need for young adults to read outside their school related texts.

Probably the most exciting aspect of this project is the joint venture between the Middle School's Media Center, run by Ms. Barbara McCurdy, and the public library to form a youth advisory group made up of students in grades four through eight. The purpose of this group is to get kids involved. This involvement is a proven essential ingredient to get or keep kids using their library, either their school media center or the public library. It is involvement that will help to foster life-long readers and users of libraries.

How to get kids involved is a simple process. This advisory group will be providing input as to what programs, activities, and types of materials Millbury youth want in their libraries. In addition, they will assist in publicizing library/media center related activities and materials in their classrooms as well as providing volunteer services in both libraries.

With children's services for younger children increasing, and the key involvement of older children in the process of providing services to them and their community, it is an exciting time for Millbury's young library users. Keep a watch out in this paper for listings of upcoming programs, activities, and reading and viewing recommendations for families, children and young adults. Also included in upcoming columns will be books, books-on-cassettes, and video tape recommendations.

COMING UP AT THE LIBRARY

TRAVELING TO VIEW SOUTHERN GARDENS - THE AZALEA TRAIL, February 7 at 6:30 p.m. - this is the second in our three-part armchair travel series. This slide tape presentation will be made by Millbury's John and Loretta Jensen. They will feature special garden plants from New Orleans to Tennessee.

CINDERELLA, Saturday, February 4, 10:30 a.m. - Join us for our first "Saturday at the Flicks" for the Disney classic, Cinderella. Pizza and root beer will be served during intermission. In person registration is necessary.

LIBRARY HOURS: Tuesday through Thursday, 10-8; Friday, 10-6; Saturday, 10-1. Telephone, 865-1181.

Ham and Bean Supper

MILLBURY - The Charles F. Minney Post, 16 South Main Street, will hold a Ham and Bean Supper on Saturday, February 4 at 7:00 p.m. Tickets are now on sale at the bar or from any of the following committee members: Willy Brodeur, Dick Erickson, Paul Little, Rene Morin, and Bob Weidman. Auxiliary members Beverly Little and Charlie Lusignan will be assisting.

Entertainment will be provided by Ireland's Noel Clifford. Tickets are $5.95 per person.

Sutton Historical Society

SUTTON - The Sutton Historical Society will meet at the General Rufus Putnam Hall on Tuesday, February 7, at 8:00 p.m.

Following the business meeting, Kenneth Worchal, the Chairman of the Northbridge Historical Commission, will portray the character of Paul Whitin, in costume, and tell of his life and times and the development of the Whitin Empire.

Refreshments will be served, and the public is invited to attend.

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ZBA

from Page 1

Calling the present unfinished structure an "eyesore" in the center of town and a "blight" on the town, Keenan said that the burned out building that stood on the site was also an eyesore.

"It (the burned building) was viewed as an eyesore by this town, by the building inspector, by the selectmen and by other boards," he said.

desist order was sent to Venincasa for lack of a special permit for a multi-family structure.

On May 18, 1988 Morin said he sent a letter to the selectmen, notifying them that Venincasa had reapplied for retail on the first floor and two apartments on the second floor.

On May 31, 1988 an electrical permit was issued to install temporary service.

On June 19, 1988, a cease and desist order was sent for creation of living space on the third floor.

"It (the building)cannot be used without a variance and there is no better argument for a variance than that," - Attorney Peter Keenan

Keenan maintained that all of the requirements of the statute and all the requirements of the zoning laws were met by this case. "As you know," he argued, "there are three requirements for granting a variance." The three requirements noted by Keenan referred to 1. hardship, 2. no substantial detriment to the public good, and 3. that the relief requested not nullify the intent or purpose of the zoning by-law.

The financial hardship, according to Keenan, has been extreme on his client. "We ask you to consider seriously that my clients submitted the plans that we gave you to the building inspector. My clients submitted the plans for a two and one half story structure with retail on the first floor and eight residential units. The building permit that was issued was issued for a two and one half story building with commercial on the first floor and eight residential units. We submit that reliance upon that building permit, although not sufficient in and of itself for the granting of the variance, in this case coupled with everything else, is sufficient."

Also in support of the hardship requirement, Keenan argued that, in the event the board did not grant a variance, the parcel of land would forever be unusable. "It cannot be used without a variance and there is no better argument for a variance than that," he said.

Rene Morin, Building Inspector, then addressed the board and gave a brief summary of his dealings with the developer from the issuance of the first permit on February 9 to the Cease and Desist Order on August 28, 1988.

"On February 9, 1988 a building permit was issued. It was voided at the time I went to the selectmen's meeting and found that Mr. Venincasa did not own the property," Morin said. "On March 30, 1988," Morin continued, "a title of purchase was made. So therefore, the permit was able to be issued."

Morin said that on May 11, 1988 a letter was sent to Venincasa requesting his appearance before the Planning Board for a special permit.

On May 16, 1988, a cease and

According to Morin, "The only way I happened to catch it was that the framer came to me and said he'd like to get paid and he asked me to inspect the rough. I went in there and saw something entirely different from what had been issued."

"What troubles me so much, is that a permit was reissued which provided for two units and retail space. The developer in this case saw fit to then build eight dwelling units. The permit he had in his hand was for two units. He was in violation of that building permit and has further to create his own hardship." - Town Planner David Hulseberg

Following subsequent discussions with the builder, Morin issued another cease and desist order on August 28, 1988 until all variances were obtained by Venincasa.

Arguing against granting the variance, Town Planner David Hulseberg said, "What troubles me so much, is that a permit was reissued which provided for two units and retail space. The developer in this case saw fit to then build eight dwelling units. The permit he had in his hand was for two units. He was in violation of that building permit and has further to create his own hardship."

Hulseberg went on to quote from the Town by-laws, specifically Article 1, Section 13.33, "Restoration:" "Necessary repairs and rebuilding of nonconforming structures after damage by fire, storm or similar disaster, are permitted provided they 1. are started within 12 months and completed within 24 months of the catastrophe, 2. they do not substantially change the character or size of the building, or the use to which they were prior to such damage and 3. do not exceed 75% of the structure's market value."

Hulseberg questioned, "Did they change the character or size of the building that was there? I contend yes. It's one story higher. Did the use change? Yes, we've gone from a non-conforming use of retail and two units to eight units as well as retail space. Do they exceed 75% of the structure's market value? I would contend that what was there prior to what we have now is of much higher value than what had existed there previously. And again that's in violation of the by-laws. As I see it, there was a responsibility on the developer, his architect, his engineer, as well as whatever counsel or attorney was representing him. And it appears to me that in this instance the developer did not meet his own obligations."

Roland Lachance, Davis Road resident and a member of the Board of Selectmen, also argued against granting the variance. "A few years ago a major business block burned to the ground," he said. "The buyer at that time was intent on rebuilding that business block. His intent was to rebuild it and put a second floor in. The planning board at that time saw fit to deny the proprietor to put a second floor in because it would be detrimental to the image of the center of Millbury."

Lachance continued, "Now we have a prior building that was only two stories high and we have a builder who goes in and puts up three stories. I can't buy that," he said.

A discussion also developed on the height of the building. Board member Walter Bernier asked Morin, "The height of the building that was submitted to you, is this the height that is standing on that site today?"

Morin replied, "Pretty close to what was there. It's the architecture that makes it look bigger than it really is."

Board member John Powers asked if it was anyone's understanding that a third floor would go on that building at any time.

Morin replied, "Not to my knowledge."

Responding to a question by Roland Lachance on the height of the building, Morin said, "I didn't take out a ruler and measure the old building. The architecture of what's there now can give you a deceiving look as far as height goes. That's my opinion. I didn't measure the old building or the new one either."

Lachance replied, "I don't want to debate with you but this building far exceeds the height of the old building."

Grove Street resident Ken Gustafson agreed, saying, "I walk this town pretty much every morning and the old building had a flat roof. There were two floors and a flat roof. No way in hell is this thing the same height. Even to the window height of the second floor. The tops of those windows are much higher than they were."

A mention of potential parking problems was addressed by Hulseberg who noted that parking considerations would be handled by the planning board.

Fire Chief Tom Nault then addressed the board and said he had never seen any plans for the North Main Street building. "This building, whether its conforming or nonconforming," Nault said, "still needs to have an approved fire alarm system in it if there are stairways exiting from the second floor going to a third, whether it's half full, three quarters, whatever you want to term it. It becomes a three story building and requires pull stations. All of this requires a set of plans which have to be approved. To this day I haven't seen a set of plans," he said.

Nault continued, "Perhaps this is unfair for me to say this, but, whether it's fair or not it's a matter of fact. Not a day goes by when I don't bump into a contractor, whether it be electrical, gas, oil, or builders. I think we're very unique here because every time I remind someone that plans have to be approved before and that permits have to be taken out, the standard answer I get is 'Gee, I do this all over Worcester county, through the state, and we never have to do that for any other town.' I think these builders are firmly aware of what their obligations are. In fact, there are other builders in this room who have taken it upon themselves to come and seek advice and seek what any special requirements might be, above and beyond what the state requirements are."

Keenan then assured Nault that his client would contact the fire department before anything else was done with the building. "I also want to clear up one other issue," Keenan said, "the height of the building. This application has absolutely nothing to do with the height of the building because the building conforms to the height requirements of the zoning bylaws.

Keenan again argued that the plan before the board was the same plan upon which the building permit was issued.

He also explained that town by-laws provide that the owner of a property that has been destroyed by fire or other casualty has the right to reconstruct within 24 months so long as the reconstruction does not exceed 75% of the market value of the structure that was already there. "There is no way that George Manna's building could be reconstructed at a cost of less than 75% of the market value of the building that was there," Keenan said.

He also maintained that when his client went to the building inspector's office in February, prior to purchasing the property, someone should have said, "Listen, you can't do anything with this property without getting a variance from the board of appeals."

Town Counsel Joel Bard said that the question was whether a structure nearly identical to the existing one could be built for less than 75% of the original structure's market value. "My understanding is that the variance you seek is for something more than that," he said. "You're going from two residential units to eight residential units."

Michael Venincasa replied, "The character is exactly the same; the structure is exactly the same. There is no change in the use, it's commercial on the first floor and residential above."

Turn to ZBA on Page 20

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SCHOOL

from Page 11

development project to be located along Rte. 146 which will abut both Elmwood Street and Middle School property. The board concurred with Sylvia.

Student Activities Fund

Under Addenda Items, Sylvia said there was a need to consult Town Counsel or the committee's own counsel to look into a matter involving the High School's use of the student activities fund in emergency situations on two occasions this year. One situation involved paying for students to attend a performance at the Foothills theater and the other involved using funds to place a downpayment on another performance. It was explained that the Millbury Arts Council will be reimbursing the Student Activities Account in June when they receive their funding.

The request for an opinion on the use of the funds came from Town Treasurer Dave Cofske who asked the school department to seek a legal opinion from town counsel on the appropriateness and legality of using money from the student activities fund in that manner.

Hanratty suggested that Earl Chase be contacted to check on procedures for getting an opinion from town counsel.

Pojani then brought up an item concerning water stains on the facade of the Shaw Middle School building. She suggested the gutters were not working property. Sylvia said he would check with Tom Hamilton.

The committee then voted unanimously to move to executive session for the purpose of discussing issues relating to collective bargaining.

Alumni Panel at MHS

MILLBURY - Millbury High School seniors heard words of advice and encouragement from a panel of twelve alumni who are freshmen in college this year. The panelists were as follows: Tom Grabauskas, University of Massachusetts; Jill Bush, Jodi Bush and Tina Campanale, Anna Maria College; Karen Dion, Bryant College; Donna Adams, University of Connecticut; Scott Turner and Velma Englehart, Fitchburg State College; Jeff Roberts, Westfield State College; Ken Kimball, Salem State College; Linnea Bengtson, Quinsigamond Community College; and Matt Cassidy, Framingham State College.

In the advice column, the graduates urged the seniors to get all applications and housing and financial aid forms in on time. They also stressed the need to manage time well so that academic responsibilities can be met while enjoying an active social life. Several of the panelists encouraged the prospective college students to be outgoing in college, to work at meeting people, and to become involved in campus activities.

When asked what the most enjoyable aspect of their college experience has been to date, the response was overwhelmingly, "increased freedom." Most of the panelists live on campus. They spoke of having the opportunity to make their own decisions and not having mom and dad after them to do homework or to be in at a certain time. "Besides," one said, "your parents really love you when you come home for a weekend."

Many have had adjustments to make with roommates and in balancing studies and social activities. Some will be changing roommates next semester, while others are sticking with original roommates and building their social lives around other students in their dorms or classes.

The graduates offered encouragement to the seniors by sharing examples citing how well prepared they felt they were for their college studies. Many mentioned the excellent training they received in English, enabling them to meet the college freshman writing requirements with relative ease. Those who are science majors said they had such a good preparation in science at Millbury High School that the first semester college courses were mostly review. Other areas mentioned as being particularly helpful were the upper level math courses, Western Civilization, and typing or word processing.

In just a few short months, the graduates have grown in confidence, sophistication and maturity.

The panel was followed by a reception for the graduates, seniors and faculty.

Kollios Announces Delay in Fee Hike

BOSTON - State Representative Paul Kollios (D-Millbury) was recently informed by the Executive Office of Administration and Finance that the proposed fee increase for hourly ice rental at state rinks will not be implemented in this fiscal year.

The proposal, which was to take effect on January 26, would have increased the rate for ice rental at state rinks from $65 per hour to $90 per hour.

I felt that this increase in mid-season was totally inappropriate," Kollios said. "Our youth hockey associations would have been burdened with this extra cost while operating with already tight budgets." Kollios said that he was extremely pleased that the administration listened and responded to his concern.

The fee will be reexamined for next season. However, the administration has promised ample time for input and planning by those affected by the increase.

School Lunch Menus

Week of February 6-10

HIGH SCHOOL

MONDAY: Meatball Grinder, French Fries, Mixed Vegetables, Pudding
TUESDAY: Chickenburger on a Roll, Lettuce, French Fries, Applecrisp/Topping
WEDNESDAY: Clam Chowder, Tuna Grinder, French Fries, Fruit
THURSDAY: Beef & Gravy, Mashed Potato, Peas, Pan Roll/Butter, Cookie
FRIDAY: Cheese or Pepperoni Pizza, French Fries, Tossed Salad

ELEMENTARY AND MIDDLE

MONDAY: Ravioli/Meat Sauce, Green Beans, Garlic Bread, Mixed Fruit
TUESDAY: Juice, Chickenburger on a Roll, Lettuce, Mixed Vegetables, Peach Whip
WEDNESDAY: Juice, Tuna Sandwich, Potato Chips, Carrots & Celery Stix, Pudding
THURSDAY: Chicken Nuggets, French Fries, Carrots, Pan Roll/Butter, Jello/Topping
FRIDAY: Juice, Pizza, Tossed Salad, Peanut Butter Cluster

SUTTON SCHOOLS

MONDAY: Chicken Patty, French Fries, Lettuce/Tomato, Peach Shortcake
TUESDAY: Hot Dog/Bun, Baked Beans, Cole Slaw, Blueberry Cake
WEDNESDAY: Fish Nuggets, French Fries, Green Beans, Rolls, Chocolate Cookie
THURSDAY: Rotini/Meat, Mixed Vegetables, Rolls, Jello/Topping
FRIDAY: Pizza, Plain/Pepperoni, French Fries, Carrot Sticks, Peanut Butter Cookie

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Monday, February 13th 8:30 - 6:00
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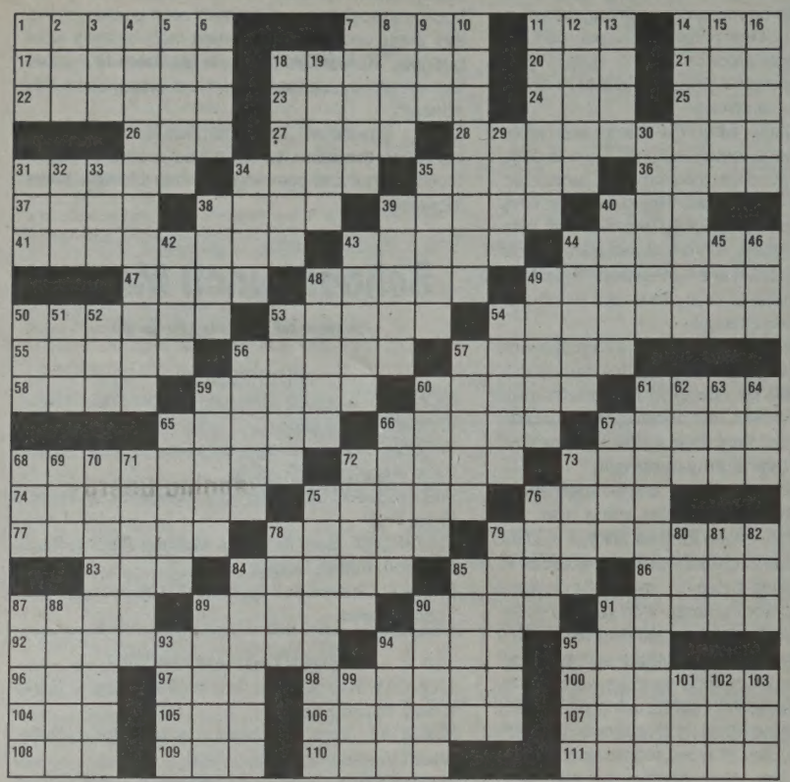
Crossword Puzzle



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By David H. Hunter

ACROSS

1 Whiten
7 Ovine chorus
11 That girl
14 Elfish
17 Drawing
18 Plan of action
20 Combat
21 Libation
22 Skilled
23 Area
24 Unit of energy
25 USIA voice
26 Rascal
27 Negotiate
28 Particularly attractive
31 Keen
34 Check
35 Two-part compositions
36 Formerly
37 Duration
38 Out of here
39 Invents
40 Pulpy fruit
41 Particularly comfortable
43 Ownership symbol
44 High-pitched sound
47 Narrative
48 Geometric surface
49 . . vel accessory
50 Steep-sided valley
53 Orange farm
54 Particularly brave
55 Animate
56 Stretch
57 Short prayer
58 Willing and able
59 Audibly
60 Chronometer
61 Colossal
65 Entreaties
66 High dudgeon
67 Nocturnal sound
68 Water bearer
72 Collapse
73 More risque
74 Smaller
75 Buggies
76 Fair
77 Wet egg producer?
78 Convolutions
79 Particularly excited
83 Rhine feeder
84 Mexican money
85 Latin bird
86 Stratagem
87 Author Bellow
89 Aloe product
90 Journey
91 Stamp sheets
92 Particularly assured
94 Prideful
95 Gear component
96 Skill
97 Police blotter initials
98 Medicinal plant
100 Grain beard
104 Hwy.
105 Conjunctions
106 Gladstone
107 Servile
108 Craze
109 Robert E.
110 French state
111 Lawn tools

DOWN

1 Bikini component
2 Roman tutelary god
3 Newt
4 Particularly positive
5 Aggregation
6 Facilitate
7 Sired
8 Indigo dye
9 Ruckus
10 Particularly optimistic
11 Exercise wear
12 Injures
13 Hence
14 Particularly supportive
15 Jesus and Matty
16 Coffee cake ingredient
18 Zealous
19 Canada —
29 Provide
30 Cover again
31 Minn. metropolis
32 Loki's daughter
33 Exist
34 Modulation
35 Crete, Neb. college
38 Tempest
39 Desire
40 Arrow poison
42 Reasonable
43 Fair
44 Monitor
45 French article
46 Hesitant sounds
48 Indonesian boats
49 Instruct
50 Lively music
51 Words on a French menu
52 Enthusiasm
53 Harsh sound
54 Foam
56 Exonerate
57 Tumbler
59 Foreign
60 Stuffs
61 Particularly hopeful
62 Taro paste
63 See 66 Across
64 Wax: Prefix
65 Snoop
66 Outerwear
67 Obi
68 Prepare for 20 Across
69 Sine — non
70 Particularly unafraid
71 — mast (flag position)
72 Sing softly
73 Decays
75 Particularly favorable
76 Saucy lass
78 Ponce de —
79 Show
80 Bask
81 SSW minus 90
82 French dice
84 Make happy
85 Opera highlights
87 Muffler
88 Arterial trunk
89 Venerate
90 Unstated
91 — over (studied)
93 Matinee —
94 Membranes
95 Arrived
99 Poker stand
101 That woman, in Berlin
102 Road cover
103 Smith and Rosen

Solution to Last Week's Puzzle

L	A	W		L	A	N	E	S		C	R	E	E	D		S	A	I	D
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LIBRARY ASSISTANT - 15 hours a week, in busy children's room at the Millbury Public Library. Involves afternoon and evening hours and every other Saturday. Call 865-1181.

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Millbury Planning Board Public Hearing Notice

In accordance with the provisions of Chapter 40 A, Section 11, M.G.L., the Millbury Planning Board will hold a public hearing at 7:30 p.m. on Monday, February 13, 1989 at the Municipal Office Building in Millbury on the application of J.L. Virgilio, d/b/a/ Burnap Ltd., 178 Burbank Road, Sutton for a Site Review Special Permit under Section 12.4, Article 1, of the Millbury Zoning Bylaws to construct a neighborhood type shopping mall that will contain approximately 30,000 square feet of retail space for rent and lease.

The location of said property is on Route 146, Providence and Worcester Road in Millbury and the west side of the Sutton Town Line.

Any person wishing to be heard on this application should appear at the time and place designated above. Plans may be reviewed in the Town Planner's Office during regular business hours.

Anna Lewandowski
Chairwoman
January 26, February 2, 1989

Millbury Planning Board Public Hearing Notice

In accordance with the provisions of Chapter 40A, Section 11, M.G.L., the Millbury Planning Board will hold a public hearing at 8:15 p.m. on Monday, February 13, 1989 at the Municipal Office building in Millbury on the preliminary application of Egerton Development Corporation of Mashpee, MA to construct fifty-four (54) single family homes off Millbury Avenue.

Anyone wishing to be heard on this application should appear at the place and time designated above.

Anna Lewandowski
Chairwoman
January 26, February 2, 1989

Legal Notice Town of Millbury Board of Health

The Millbury Board of Health invites sealed bids for the collection of garbage throughout the Town for two years; bid to run from July 1, 1989 to June 30, 1991.

Bids will be accepted at the Board of Health Office until 7:30 p.m. on Monday, February 13, 1989, at which time they will be opened and publicly read. Specifications may be obtained at the Board of Health Office, 127 Elm Street, Millbury.

Mark Envelopes - GARBAGE BID

Millbury Board of Health
Frank J. Pisciteli
Walter A. Weldon
William H. Caron
January 26, February 2, 1989

DEADLINE

The deadline for all submissions to the *Millbury-Sutton Chronicle* is 12:00 noon on Saturday of the week prior to publication.

Church Listings

OUR LADY OF THE ASSUMPTION, MILLBURY: Reverend Monsignor Mederic J. Roberts, Pastor; Reverend Robert Spellman, Associate Pastor - Weekday Masses: 7:30 a.m.; Saturday Mass: 4:00 p.m.; Sunday Masses: 8:00 a.m. - 9:30 a.m. - 11:00 a.m.; Confessions: Saturday from 3:00 p.m. to 3:30 p.m.

ST. BRIGID'S - MILLBURY: Rev. Thomas J. Markey, Pastor; Rev. Laurence V. Brault, Associate Pastor - Weekday Masses: 7:00 a.m. and 9:00 a.m.; Saturday Masses: 4:00 p.m. and 5:30 p.m.; Sunday Masses: 7:00 a.m. - 9:00 a.m. - 11:00 a.m.; Confessions: Saturday from 11:30 a.m. to noon, and from 3:00 p.m. to 3:30 p.m.

ST. ANNE'S - MANCHAUG: Weekday Masses: Monday through Thursday 9:00 a.m.; Friday at 7:00 p.m.; Saturday Masses: 5:00 p.m.; Sunday Masses 7:30 a.m. - 9:30 a.m. Confessions: Saturday at 4:00 p.m.; Baptisms by appointment.

ST. MARK'S - SUTTON: Rev. Thomas V. Walsh, Pastor - Weekday Masses: 9:00 a.m.; Saturday Masses: 5:00 p.m.; Sunday Masses: 8:00 a.m. - 9:30 a.m. - 11:30 a.m. Confessions: Saturday 4:00 p.m. to 4:45 p.m.; Prayer Meeting: Wednesday at 7:30 p.m.

SUTTON FIRST CONGREGATIONAL CHURCH: Rev. Andrew J. Bierkan, Pastor - Sundays: 10:00 a.m. Morning Worship & Sunday School in the Meetinghouse. Crib Room, Nursery, Kindergarten, Grades 1-8 at 10:00 a.m.; Jr. P.F. as announced; Sr. P.F. 7-9 p.m. Programs: Thursday Morning Bible Study at 10:00 a.m.; 2nd Thursday, Women's Fellowship of Sutton luncheon/program/meetings at noon. Monthly Public Suppers on 1st Saturdays, 5-7 p.m. Monthly Public Luncheons: 3rd Wednesdays - noon to 1:00 p.m. April-Nov.; Sunday School stops after June 11, Children's Day.

FIRST CONGREGATIONAL, MILLBURY, Telephone - 865-9861; Rev. Bruce MacLeod, Interim Minister - Sunday Morning Worship: 10:30 a.m. - Church School 9:00 a.m.; Mondays 7:00 p.m., Diet Workshop; Deacons - First Thursday; Executive Board - Second Monday; Millbury Woman's Club - First Monday at noon.

MILLBURY FEDERATED: Methodist - Congregational Rev. Richard Mattozzi, Pastor - Sunday Services: Adult Worship, Youth Worship, Childcare - 10:00 a.m., Church School - 10:15 a.m., Coffee Fellowship - 11:00 a.m.; Bible Study: Tuesdays at 7:00 p.m. and Wednesdays at 1:30 p.m.; Senior Choir Rehearsal: Thursdays at 7:00 p.m.

FIRST BAPTIST, WEST SUTTON: Mr. John Olson - Sunday Morning Worship at 9:30 a.m. followed by Coffee Time at 10:30 a.m.; 3rd Tuesday of each month - Women's Association meetings.

FAITH ALIVE MINISTRIES - all welcome. 138 Providence Tpke. (Rte.146), Millbury, MA, 865-5966. Pastor John Pfeffer: Sunday morning service and Sunday school, 10:00 am; Evening, 7:30 pm; Wednesday Bible Study at 7:30 pm.

MILLBURY BAPTIST: The Rev. H. Raeburn Cameron, Pastor; Mr. Charles H. King, Minister of Music. Sunday School - Nursery through Adults at 9:30 a.m.; Sunday Morning Worship at 11:00 a.m. (nursery provided); Communion Sunday, first Sunday of the month. Wednesdays: 10:00 a.m., Discovery Group meets for Bible study; Choir Rehearsal at 7:30 p.m.

RAYMOND MEMORIAL CONGREGATIONAL (United Church of Christ): Mr. Raymond Mars, Pastor; Miss Elfreida Klaucke, Organist - Sunday Morning Service at 9:30 a.m.

ST. JOHN'S EPISCOPAL, Main St., Wilkinsonville: Rev. Walter E. Reynolds; Saturday, 5:30 p.m. - Holy Communion; Sunday, 8:00 a.m. Holy Communion - 10:00 a.m. Holy Communion (1st-3rd-5th Sunday); Morning Prayer on the 2nd and 4th Sundays of the month. Church School - Pre-School - Grade 8

EMANUEL LUTHERAN, 200 Greenwood Street, Worcester, MA, Telephone: 756-6620: George G. Kinney, D.Min., Pastor; Ms. Louisa Klaven, Pastoral Assistant. Sunday Morning Chapel Service: 8:30 a.m.; Family Worship Service, 9:30 a.m.; Educational Hour for Children and Adults, 10:45 a.m.; Communion on First Sunday of the month.

ST. ANDREW'S EPISCOPAL CHURCH, 53 N. Main St., N. Grafton, 839-3453; Vicar, the Rev. Dr. Thomas Sullivan. Holy Eucharist 8:00 a.m. and 10:00 a.m. Sundays.

UNION CONGREGATIONAL CHURCH, 88 Main St., South Grafton. Member-Conservative Congregational Christian Conference: Pastor, Rev. Edward L. Marston, Jr.; Sunday Services - Sunday School for all ages, 9:30 a.m.; Morning Worship Service, 11:00 a.m.; Sunday evening Bible Study and Prayer, 7:00 p.m.

THE VILLAGE BIBLE CHURCH, meeting in the Raymond Memorial Church, Raymond Street, East Millbury: Pastor, Rev. Bruce Buchanan; Sunday Services at 11:00 a.m. and 6:30 p.m.; Sunday School, 5:30 p.m.; Wednesday night prayer meeting and Bible study, 7:00 p.m.

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At the request of Town Counsel, Keenan elaborated, quoting from a letter sent by the building inspector to M.J. Casa Development Trust on February 24, 1988.

The letter stated, "This is to inform you that the above named building permit has been temporarily suspended pending the sale of the property to you. As soon as the sale is finalized and you are the owner of record, please contact me and the use of the permit will be reinstated."'

Keenan said that after the transfer went through on March 31, Venincasa contacted the building inspector and work commenced under the plans in the board's possession. "All along, the plans for the building were the plans that you have," he said.

Morin then said that he and Venincasa had had many discussions. "At the time he received the reissue of the permit," Morin said, "Mr. Venincasa said I gave him permission to put up the outside structure to get the building started. He was supposed to then come back to me and tell me what he was actually going to put inside of the building. No matter what those plans were, that's what he wanted all the time, was eight apartments. I kept telling him he had to go to the Planning Board because it was a multi-family. I am only entitled to issue for two-family dwellings as the building inspector. Anything above that goes through the Planning Board."

Hulseberg then explained, "When the second permit was issued, where it was going to become retail space and office space on the second floor, a new set of zoning requirements now came into play. Not the same zoning requirements. Under those requirements for strictly business and office use, minimum lot area in the downtown area, no requirement; minimum lot frontage, no requirement; minimum front yard, no requirement; minimum side and rear yards, no requirements; maximum lot coverage, 80%. Every one of those conditions the applicant could have met based on its site, based on its size. There would have been no problem. When the building inspector issued the second building permit, that was after conversation with Mr. Venincasa where he said "Oh, if I can do that legally then I will.' And that's when the second permit was issued for residential and office space."

Venincasa then offered his own explanation. "What happened between the first building permit and the second," he said, "the building inspector told me if I change six of those units on the second floor from residential to office that I need not go through this, the board, to seek a variance. At that time he told me we would conform to that. After that, the town planner said that we could not use office space on the second floor without an elevator, which we didn't have room to put in. So he said we had to come back to this board. That's why the confusion between the two building permits; the plans have never changed."

Venincasa continued, "The building is the same; the use was different. The time between the first building permit and the second, that building was already up, was already framed, and the plumbing was already in. It was at that point where we were doing the wiring. They said if you change the use from apartment to office that we need not go for a variance. We said fine, we will change the use on six of those units from apartments to office. We went back to work and continued on the building. After that, the Town Planner said that we needed to apply for a variance for an elevator because when we go for office we need to have an elevator under the new handicap laws. At that point, we realized there was nothing we could do to conform to the next second building permit and we received the cease and desist on that building permit and that's when we stopped. The in-between time, negotiations were going on between the planning board, the building inspector and ourselves to change the use. Not the building. The building was all up, all framed, and it was too late to change it."

The height of the building was again brought into the discussion. According to Venincasa, "The height of the building is approximately the same as the original height. The floor to ceiling height in the older building was higher than it is in the new building. And there was also an attic in the old building even through there was a flat roof. We have utilized the attic space as part of the unit and it becomes a loft to that second floor. The height of the building is actually the same. How that third floor, how that space was utilized is really the question. If the floor to the top of the roof on the first building was 30 feet, this one is approximately the same. There is an additional floor in there but the total height is the same."

Board member Moore asked "Is there any way we can find out just exactly what that building (height) was before? I bet if you went around town and asked 50 people, you'd get 50 different answers."

Venincasa replied, "We don't have any records of the exact height of the building. Before we did put the third floor on, we did have our engineers go down there and measure it to see if the third floor was possible to be utilized within the same height of that building and they said yes. The way the building is designed now, that's why it's got the flat roof section at the top so we could conform."

Venincasa also maintained that ,at various stages of construction, the size of the building can be deceiving. "Before the siding goes on, before the building is complete, it will look bigger and smaller at different times during construction," he said.

Following the close of the public hearing at 8:30 p.m. the board deliberated the issue for some time.

Board member Walter Bernier then made a motion to deny the variance. Following some discussion on the wording of the motion, the variance was denied by a unanimous vote.

The developer has twenty days to file an appeal of the ZBA's decision in the courts.

Ice Fishing Derby

MILLBURY - Engine Company 2 of the Millbury Fire Department will sponsor its 2nd Annual Lake Singletary Ice Fishing Derby on Sunday, February 12, from 7 a.m. to 3 p.m. The donation is $6.00. Children age 12 and under will be admitted free of charge. Prizes will be awarded in conjunction with the derby.

For further information, contact Paul Mardirosian at 865-1249.

Pancake Breakfast

MILLBURY - The West Millbury Fire Station will hold its second annual Pancake Breakfast on February 12, beginning at 6 a.m. Ticket prices are $3.00 for adults and $1.50 for children 12 and under.

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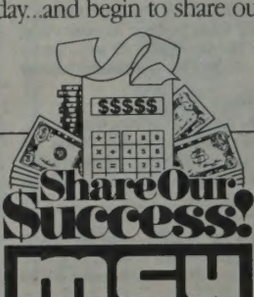

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